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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,614	10/06/2003	Takeshi Watanabe	9281-4690	3329

7590 10/25/2010  
Brinks Hofer Gilson & Lione  
P.O. Box 10395  
Chicago, IL 60610

EXAMINER
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CHIEN, LUCY P

ART UNIT	PAPER NUMBER
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2871

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10/25/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/679,614	<b>Applicant(s)</b> WATANABE, TAKESHI	
	<b>Examiner</b> LUCY P. CHIEN	<b>Art Unit</b> 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5,8 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,8 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/6/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### ***Response to Arguments***

Applicant's arguments with respect to claim 1,5,8,13-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Terminal Disclaimer***

Terminal Disclaimer sent in on 8/12/2010 has been disapproved. POA can be given to a customer number, wherein all practitioners listed under the customer number have POA. If POA is established by a list of practitioners, the list may not comprise more than 10 practitioners. A representative of the assignee, who is not of record, cannot sign the TD unless it is established that the representative is a party authorized to act on behalf of the assignee.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1,13,14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-3 of copending Application No. 12751614. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Claim 1 is obvious over Claim 1 of copending Application No. 12751614

Claim 13 is obvious over Claim 2 of copending Application No. 12751614

Claim 14 is obvious over Claim 3 of copending Application No. 12751614

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 1,5,8,13,14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata Hidefumi et al (JP 2002-287902) in view of Ishihara et al (US 20010019379) in view of Goto et al (US 5999685)

Regarding Claim 1,

Sakata Hidefumi et al discloses (Drawing 4) a transparent coordinate input device comprising a first transparent base material (21b) having a first transparent resistance film thereon (15 made of ITO which is transparent) and a second transparent base material (22b) facing said first transparent base material (21b) with a clearance there between and having a second transparent resistance film (16) disposed on a face thereof opposing the first transparent resistance film (15), wherein a first transparent base material (21b) is disposed below the second transparent base material (22b) and a first plurality of ridge portions are formed only on a surface of the first transparent base material (21b) that faces the second transparent base material (22b) and a second plurality of ridge portions are formed only on a surface of the second transparent base material that faces the first plurality of ridge portions; wherein the surface of the first transparent resistance film (15) in each section of the ridge portions includes a top portion (where 15 is pointing to) and first and second slanted faces on corresponding

sides of the top portion (shown slanted from the top portion 15), wherein the first and second faces are symmetrically in-line with respect to the top portion; wherein a height (H) between the top portion of the surface of the first transparent resistance film in each section of the ridge portions and the bottom portion of the surface of the first transparent resistance film is 100 nm [0098] which are overlapping ranges of the claimed 0.1  $\mu\text{m}$  (10 nm) to 10  $\mu\text{m}$  (10,000 nm) [0098] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the height of the transparent resistance film to be 0.1  $\mu\text{m}$  (10 nm) to 10  $\mu\text{m}$  (10,000 nm) , since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. The resistance film is formed over a valley between adjacent ridge portions; wherein the ridge portions are adjacent to each other and are formed with a - predetermined pitch and formed by continuously extending the ridge portions. Wherein a lower face of the second transparent base material (22b) disposed on an operation side and a lower face of the second transparent resistance film (16) are smooth surfaces (the ridges can be this shape shown in Drawing 7 (b) a smooth surface with no sharp edges) and wherein the second base material and the second transparent resistance film are configured to flex towards the first transparent base material based on input received during operation (by pressing a finger or pen on the touch panel from above)([0034]).

Sakata Hidefumi et al does not disclose wherein the pitch of said ridge portions is which are overlapping ranges of 100 to 500  $\mu\text{m}$  inclusive. Nor the ridge portions

have a polygonal shape having an obtuse angle in section are narrow in width, and are projected strips longitudinally extending in one direction.

Ishihara et al [0065] discloses the pitch of the ridge portion is 300  $\mu\text{m}$  which is in between 100  $\mu\text{m}$  and 500  $\mu\text{m}$ . It would have been obvious to one of ordinary skill in the art at the time the invention was made to pitch of the ridge portion is 300  $\mu\text{m}$  since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Goto et al also discloses (fig. 2b) wherein the polygonal shape of the ridge portions comprises one of a triangular shape wherein a vertical angle of the triangular shape in the section of the ridge portion is an obtuse angle to provide a reliable light guide that costs less to manufacture.(column 2, lines 5-15)

It would have been obvious to modify Sakata Hidefumi et al to include Ishihara et al's pitch of the ridge portions motivated by the desire to provide a light guide that uniformly distributes light into the LCD [0006] to further include Goto et al's polygonal shape of the ridge portions comprises one of a triangular shape wherein a vertical angle of the triangular shape in the section of the ridge portion is an obtuse angle motivated by the desire to provide a light guide that uniformly and isotropically diffuses light in a desired angular range (column 5, lines 35-45)

Regarding Claim 5.

In addition to Sakata Hidefumi et al, Ishihara et al, and Goto et al as disclosed above, Sakata Hidefumi et al discloses a liquid crystal display panel [0006]).

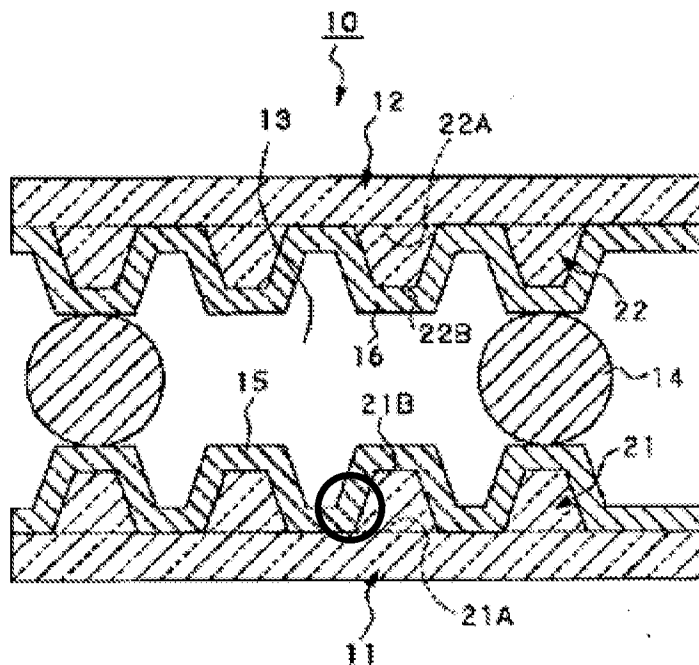
Regarding Claim 8,

In addition to Sakata Hidefumi et al, Ishihara et al, and Goto et al as disclosed above, Sakata Hidefumi et al discloses wherein said ridge portion (zigzag of element 15,16) is extended in a direction inclined at a constant angle with respect to each of two perpendicular sides for partitioning a pixel of said liquid crystal display panel.

Regarding Claim 13,14,

In addition to Sakata Hidefumi et al, Ishihara et al, and Goto et al as disclosed above, Sakata Hidefumi et al (Drawing 4) the first transparent resistance film (15) formed on the upper face between the ridge portion wherein an angle of a valley between the ridge portion adjacent to each other in section is an obtuse angle (angle between 90-180 degrees shown circled below)

【図4】





**Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata Hidefumi et al (JP 2002-287902) in view of Ishihara et al (US 20010019379) and of Goto et al (US 5999685) in view of Ukita (US 6310668)

Sakata Hidefumi et al, Ishihara et al, Goto et al, and Oh et al disclose everything as disclosed above.

Sakata Hidefumi et al, Ishihara et al, Goto et al, and Oh et al does not disclose the transparent resistance film ranges from 0.01  $\mu\text{m}$  (10 nm) to 0.05  $\mu\text{m}$  (50 nm).

Ukita discloses the transparent resistance film (pixel electrode made of ITO) ranges from 10 to 100nm which are overlapping ranges of 0.01  $\mu\text{m}$  (10 nm) to 0.05  $\mu\text{m}$  (50 nm) in order to form a reliable pixel electrode.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the transparent resistance film range from 10 nm to 50 nm , since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUCY P. CHIEN whose telephone number is (571)272-8579. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lucy P Chien  
Examiner  
Art Unit 2871

/David Nelms/  
Supervisory Patent Examiner, Art Unit 2871